

New Hampshire
State Board of Education
Minutes of the July 24, 2014 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:15 a.m. at the Department of Education, 101 Pleasant Street, Concord, NH. Tom Raffio presided as Chairman.

Members present: Tom Raffio, Bill Duncan, Gary Groleau, Helen G. Honorow, and Gregory Odell. Emma Rous and Cindy C. Chagnon were unable to be present. Virginia M. Barry, Commissioner of Education and Paul K. Leather, Deputy Commissioner of Education, were present.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Gregory Odell led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

A. Conditional Approval – Ed 302, Duties of School Superintendents, Ed 303, Duties of School Boards, Ed 304, Duties of School Principals, Ed 311, School Health Services, Ed 316, Procedure to Mark Drug-Free School Zones, and Ed 900, Dropout Prevention and Recovery Program – A vote is needed by the Board to adopt the conditional approval for this rule filing 2014-26. The conditional approval is based on changes to the final proposal as discussed with the staff attorney and JLCAR at its July 17, 2014 public hearing. If we make the changes annotated, the Office of Legislative Services can determine we have amended the rules in accordance with the conditional approval and issue a letter to that affect. These changes include adding an additional requirement to Ed 303.01, Duties of the School Boards, stating, “Adopt a teacher performance evaluation system, with the involvement of teachers and principals, for use in the school district, pursuant to RSA 189:1-III;” adding a qualifying title to the text for the “manual for traffic control devises” in Ed 316.05(b) and deleting a sentence in Ed 906.01(d) with specific references to school years 2005 and 2006. Also other editorial changes have been made. Once reviewed by the Office of Legislative Services to determine the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the Board may then adopt the final rule.

MOTION: Bill Duncan made the motion, seconded by Gregory Odell, that the State Board of Education adopt the conditional approval for rule filing 2014-26 which includes: Ed 302, Duties of School Superintendents, Ed 303, Duties of School Boards, Ed 304, Duties of School Principals, Ed 311, School Health Services, Ed 316, Procedure to Mark Drug-Free School Zones, and Ed 900, Dropout Prevention and Recovery Program.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

There was no Public Comment at this meeting.

AGENDA ITEM IV. OPEN BOARD DISCUSSION

A. Update on Charter Schools – Chairman Raffio mentioned that MicroSociety Academy Charter Academy would be coming before the Board at this meeting. Also, a Letter of Intent from SERESC has been received by the Department to start a new charter school.

Charter School Matrix – Chairman Raffio, Helen Honorow, and Bill Duncan met with Commissioner Barry and Deputy Commissioner Leather before the meeting to discuss the next steps in the Charter School Dashboard Matrix. It was decided that Mr. Duncan and Ms. Honorow would work directly with Keith Burke and Tim Eccleston on this dashboard. It was also decided that, given limited resources, we would make every effort that there would be no special projects and no redundant entries and the questions answered would be agreed upon at the Department and Charter School level.

B. Update on Unity – Judy Fillion reported that despite a few setbacks, the Unity school construction project is on track for completion prior to the September 2 start of the school year. Craig Chute, Unity School Board Chair, was present to answer questions including resolution of the sewer system breakdown and a drainage problem.

C. Discussion on Strategic Items – Goals – Chairman Raffio said that Board members have volunteered for various assignments and that Board members are also working off line on other projects and attend many public events. Mr. Duncan said he and Ms. Rous are working on the discipline process project in the schools to promote a good school climate. He said that Whitefield has good local leadership regarding this. He asked Board members what role the Board should take. He has received great data from the Concord School District.

D. Miscellaneous – Chairman Raffio said the Business and Education Coalition met on July 23rd with several business leaders in attendance. The Coalition is working on and support several innovative education initiatives; such as Stem Mapping, Early Learning, Common Core Standards, NH Scholars Program, and a Scholars with Honors Program. Chairman Raffio said that Northeast Delta Dental and New Hampshire Ball Bearings contribute financially to the Coalition.

Chairman Raffio said that the Hollis Brookline letter regarding Smarter Balanced will be discussed at the August 14th meeting.

Chairman Raffio said that New Hampshire is viewed in a positive light by educators outside of New Hampshire and extremely innovative.

Gregory Odell mentioned the tuition for foreign students project. Paul Leather said he would be in touch with the Principal in Bow regarding this.

AGENDA ITEM V. SPECIAL PRESENTATIONS

A. Lempster's Petition for Declaratory Ruling – Chairman Raffio read a statement regarding this Petition. Assistant Attorney General Patrick Queenan, Attorneys Justin Richardson and Bernard Waugh, were present.

The Town of Lempster ("Lempster") filed a petition for declaratory ruling seeking an order from the State Board of Education ("SBOE") that: the SBOE lawfully certified the Goshen-Lempster Cooperative School District's ("CSD") vote to change the apportionment formula at its March 9, 2013 annual meeting; the Department of Education ("DOE") correctly determined the proportional share under RSA 195:14 using the certified formula; and the formula certified by the SBOE at its October 19, 2013, meeting remains in effect for two reasons (1) RSA 195:8 prohibits reconsideration for a 5-year period from October 19, 2013 and (2) the CSD's vote of February 1, 2014, failed to pass by 60% majority required by the CSD's Articles of Agreement. The Town of Goshen requests that the SBOE dismiss the petition. The CSD takes no position on the matter.

Background

The CSD was established on or about June 19, 1954, by concurrent votes of the Goshen School District and Lempster School District to establish a cooperative school district effective July 1, 1954. By special meeting held on September 27, 2008, the CSD adopted “Restated and Amended Article of Agreement,” which included, among other things, Article 8 setting forth the process for amending the CSD’s Articles of Agreement (the “Articles”). Article 8 states, in pertinent part, that the Articles may be amended if “60% of the voters present and voting at an annual or special meeting of the [CSD] vote to adopt the proposed amendment in an appropriate warrant article. Before being placed on the warrant, the proposed amendment shall be submitted to the [SBOE] for endorsement.”

Prior to the March 9, 2013, annual meeting, Article 5, setting forth the apportionment formula, provided for 50% most current equalized valuation (“EV”) and 50% on the average daily membership of pupils in each pre-existing district (“ADM”) (“Formula A (50/50)”).

On February 20, 2013, the CSD presented to the SBOE language for a warrant article to amend its apportionment formula. The SBOE endorsed the language to be placed on the warrant article at the upcoming annual school district meeting. The proposed amendment apportioned 100% costs “on the basis of the average daily membership of pupils” (“Formula B (100%)”). On March 9, 2013, at the annual meeting, the CSD voted by a majority of 126 in favor to 67 opposed (65.28%) to amend the apportionment formula in Article 5 and adopt Formula B (100%) (the “Annual Meeting Vote”). The next day Goshen unsuccessfully petitioned the CSD to call a special meeting to reconsider the vote.

On October 9, 2013, pursuant to RSA 195:29, the SBOE certified the Annual Meeting Vote finding “a majority of the voters present and voting have voted in favor of the withdrawal plan.” Goshen neither objected to the certification nor sought reconsideration of the SBOE’s decision to certify the vote. The DOE, pursuant to RSA 195:14, I(d), then determined each municipality’s proportional share and the Department of Revenue certified the tax rates. There were no administrative challenges to these agency actions.

Concurrently, Goshen filed a petition for declaratory judgment with the Sullivan County Superior Court seeking invalidation of the March 9, 2013, vote to change the apportionment formula (the “Annual Meeting Vote”). See Ex. 5. Goshen also sought a court order requiring the CSD to hold a special meeting “for the purpose of making a motion to reconsider the vote on Article 8.” *Id.* The CSD cross-petitioned for declaratory ruling contending that “even if it wanted to hold such a special meeting, RSA 195:8 precludes review of Article 8 for five years.” *Id.* The Court (*Tucker, J.*) denied both finding:

[Goshen]’s request for a special meeting is not to present an article amending the formula, but rather to allow a motion to reconsider the adoption of the article at the March 2013 meeting, which modified the apportionment formula. Therefore, if the school board chose to hold a special meeting for that purpose, consideration of a motion to reconsider the earlier vote would not violate either statute. For that reason, the school district’s request for a ruling that the statutes bar the special meeting sought by the Town of Goshen, is denied. *Having said that, the court concluded the vote was valid, so there is no requirement that a special meeting be held for the purpose of allowing a motion to reconsider.*

Ex. 5 at 13.

Subsequently, the Court (*Tucker, J.*) reconsidered its order, in part, and struck the italicized portion above, and then ordered the CSD to “convene a special meeting to reconsider the vote on Article 8.” Ex. 8 at 2.

On February 1, 2014, the CSD held a special meeting pursuant to the Court’s order. See Ex. 9. The meeting was called to act upon the following article:

Article 1. To see if the [CSD] will vote to reconsider Article 8 of the March 9, 2013 Annual Meeting. That article called for an amendment to Article 5 of the 2008 School District Articles of Agreement, so that both operating and capital expenses of the [CSD] would be allocated between the Towns of Goshen and Lempster entirely on the basis of average daily membership of pupils residing in each pre-existing district, with no part of those expenses being allocated on the basis of current equalized valuation.

Ex. 9 at 45.

The motion to reconsider the Annual Meeting Vote passed by a vote of 200 to 156. Ex. 9 at 53. Then, however, instead of taking up the merits of reconsideration, the CSD voted to “form a study committee to see if the [CSD] will change the apportionment formula of the articles of agreement the committee to be composed of an equal number of representatives from Goshen and Lempster to present their conclusions to the board in time for the 2015 district meeting.” *Id.* at 59–60.

Discussion

Lempster now seeks a ruling that: SBOE lawfully certified the Annual Meeting Vote and that the Department of Education (“DOE”) correctly determined the proportional share under RSA 195:14 using the certified formula; and that Formula B (100%) remains in effect for two reasons (1) RSA 195:8 prohibits reconsideration for a 5-year period from October 19, 2013, and (b) the CSD’s vote of February 1, 2014, failed to pass by 60% majority required by the CSD’s Articles of Agreement.

a. Standard of Review

Under Ed 215.02, a party may petition the SBOE for a declaratory ruling on the applicability of a specific statute. Unlike the superior court, however, the SBOE, as an administrative agency, does not have equitable authority.

b. Certification

The SBOE must approve an amendment to a cooperative school district's apportionment formula. RSA 195:18, III(i). On October 9, 2013, the SBOE did so when it certified the Annual Meeting Vote after finding a majority of voters present and voting voted in the affirmative. Goshen failed to object to the certification, seek reconsideration of the decision, or appeal the decision. As such the decision constitutes a final action of the agency for purposes of RSA 541. See Ed 213.01 (discussing right to appeal and making decision final after 30 days if no request for rehearing). Absent a court order indicating otherwise, the certification remains in effect. The current formula is Formula B.

Further, the Department of Education's determination as to the proportional share of each municipality remains in effect.

c. 5-year Limitation

RSA 195:8 (Reconsideration Procedure) provides in pertinent part:

If the apportionment formula for a cooperative school district has been duly changed, the basis for the apportionment of all such costs may be subject to review, pursuant to an article for that purpose duly inserted in the warrant for a district meeting to be held at any time after the expiration of the 5-year period measured from the date of the meeting at which the last change was made to the cost apportionment formula.

Here, the CSD "duly changed" the formula at its March 9, 2013, annual meeting. Again, absent a court order indicating the SBOE's certification (from Formula A to Formula B) is invalid, it remains in effect, and, as such, the CSD must wait until the 5-year period expires before changing the formula again. RSA 195:8.

d. 60% Majority

Last, Lempster asked the SBOE for a ruling that the CSD's February 1, 2014 vote to reconsider the Annual Meeting Vote is defective because it failed to reach the requisite 60% majority. Because the 5-year limitation prohibits the CSD from changing the apportionment formula at this time, the SBOE does not need to analyze this issue. Moreover, to the extent raised, the SBOE need not analyze arguments pertaining to town meeting procedural requirements or whether the CSD actually voted to reconsider.

Conclusion

The SBOE's certification of the Annual Meeting Vote (changing apportionment formula from Formula A to Formula B) remains in effect and has not been invalidated by the courts. Further, the certification constitutes a final action of the SBOE. See Ed 213.01 (discussing right to appeal and making decision final after 30 days if no request for rehearing). Appeals of final actions by the SBOE are taken in accordance with RSA 541. RSA 541:6 provides an aggrieved party with 30 days from the date rehearing is either denied or an order on rehearing is issued. The record is void of any indication Goshen appealed the agency's decision pursuant to RSA 541. Accordingly, Formula B (100% ADM) remains in effect.

B. Microsociety Academy Charter School of Southern New Hampshire
Thomas Malone, David Cronin, Marc Sylvester, and Cheryl McNamara Bean were present. Mr. Malone and Mr. Cronin spoke to the Board regarding this charter school and also presented a power point presentation. This application was drafted by a group of parents and educators with a commitment to actively engaging students in learning through research and standards-based teaching strategies paired in tandem with giving students opportunities to apply their knowledge by creating and operating the agencies and venture of their own "real" MicroSociety within the school setting. The initial idea to develop a K-8 MicroSociety themed charter school began in pioneering McDonough City Magnet School in Lowell, MA and who came together for an exploratory meeting. After a lengthy discussion with Board members it was decided to table this charter school and to continue discussion to the August 14, 2014 meeting. Since Board members still had several questions it was decided that the questions would be submitted to Commissioner Barry and forwarded to Thomas Malone for answers to the questions and concerns.

MOTION: Gregory Odell made the motion, seconded by Bill Duncan, that the MicroSociety Academy Charter School of Southern New Hampshire would be tabled for further discussion and consideration at the August 14, 2014 meeting and that questions would be submitted to Commissioner Barry and forwarded to Thomas Malone for answers to the questions and concerns.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

C. NH Network – Adam Rubin from 2Revolutions presented a power point presentation on the NH Network. Great work in education is going on all over New Hampshire, but it is often sectioned off into pockets making it challenging to collaborate and learn from each other. One of this site's core aim is to address that problem. The New Hampshire Network's features let users connect to educators, reach out to experts in the field, explore hundreds of curated resources in our KnowledgeBase library and join the communities and networks that are being launched across the state. Mr. Rubin also briefly presented the NH Story of Transformation, an infographic about innovative practices and policies in New Hampshire that will be available generally in the next two weeks.

D. Student/Candia School Board – SB-FY-14-03-013 – The parent, Charles Littlefield, Superintendent of Schools for SAU #15, and Gordon Graham, Attorney for the School Board, were present. Chairman Raffio asked the parties if they would like the hearing held in public or nonpublic session. The parent elected to hold the hearing in public session. The parents appealed the Candia School Board's decision regarding high school reassignment for the student to Coe-Brown Academy as opposed to Manchester Central High School. The request was based on the agricultural technical program available at Coe-Brown Academy which is more comprehensive than that at Central High School or Manchester School of Technology. Later the mother indicated that student has organizational issues and Coe-Brown has assisted studies and more general assistance to students like hers to keep her student organized and not have the student "fall under the rug." However, the mother did not address these concerns in her letter requesting reassignment. After a brief discussion, Board members took the following vote.

MOTION: Bill Duncan made the motion, seconded by Helen Honorow, that the State Board of Education vote to accept the Hearing Officer's Report and adopt the Hearing Officer's Recommendation.

VOTE: The motion was adopted by a 3 – 2 vote with Gary Groleau and Gregory Odell voting in the opposition, and with the Chairman voting.

E. Student/Candia School Board – SB-FY-14-02-009 – The parents, Charles Littlefield, Superintendent of Schools for SAU #15, Karen Hewes, Attorney representing the parents, and Gordon Graham, Attorney for the School Board, were present. Chairman Raffio asked the parties if they would like the hearing held in public or nonpublic session. The Attorney for the parents elected to hold the hearing in nonpublic session.

MOTION: Helen Honorow made the motion, seconded by Bill Duncan to go into nonpublic session pursuant to RSA 91-A:3.

VOTE: This was done by a roll call vote: Gary Groleau – Yes; Gregory Odell – Yes; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

MOTION: Bill Duncan made the motion, seconded by Gary Groleau, to come out of nonpublic session.

VOTE: This was done by a roll call vote: Gary Groleau – Yes; Gregory Odell – Yes; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

MOTION: Gregory Odell made the motion, seconded by Helen Honorow, that the State Board of Education vote to accept the Hearing Officer's Report and reject the Hearing Officer's Recommendation and allow the student to transfer to Pinkerton Academy.

VOTE: This was done by a roll call vote: Gary Groleau – Yes; Gregory Odell – Yes; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

MOTION: Gary Groleau made the motion, seconded by Bill Duncan, to seal the minutes for an indefinite time.

VOTE: This was done by a roll call vote: Gary Groleau – Yes; Gregory Odell – Yes; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

F. Teacher(SB)/Farmington School Board – SB-FY-14-07-001 – James Allmendinger, Attorney for the Teacher, the Teacher, Steven Welford, Superintendent of Schools for SAU #61, and Peter Phillips, Attorney for the Farmington School Board, were present. Assistant Attorney General Patrick Queenan was also present. Chairman Raffio asked the parties if they would like the hearing held in public or nonpublic session. Attorney Allmendinger elected to hold the hearing in public session. The Teacher appealed the Farmington School District's determination relative to Teacher Non-Renewal. The Hearing Officer, in her Report and Recommendation states: "On its face, the decision of the Farmington School Board was not clearly erroneous. On the other hand, the element of unfairness which was clearly present should not be overlooked. Accordingly, it is recommended that the Board consider a proper remedy to address this issue." After lengthy discussion by Board members, it was decided by the Board to close the question and deliberate.

MOTION: Gary Groleau made the motion, seconded by Gregory Odell, to close the question and deliberate.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

MOTION: Helen Honorow made the motion, seconded by Bill Duncan, that the State Board of Education vote to remand the matter back to the Hearing Officer to restructure its decision to include findings of fact and conclusions of law and "the decision" of the hearing officer, pursuant to Ed 210.01, with a deadline of thirty days for response.

VOTE. The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

G. Teacher/Farmington School Board – SB-FY-14-08-004 – James Allmendinger, Attorney for the Teacher, the Teacher, Steven Welford, Superintendent of Schools for SAU #61, and Peter Phillips, Attorney for the Farmington School Board, were present. Assistant Attorney General Patrick Queenan was also present. Chairman Raffio asked the parties if they would like the hearing held in public or nonpublic session. Attorney Allmendinger elected to hold the hearing in nonpublic session. Attorney Allmendinger said he had some interns from his office and he would like them to stay. It was agreed that they could. Attorney Phillips asked that Attorney Gordon Graham also stay as he was with the same firm. It was agreed that he could also stay.

MOTION: Gregory Odell made the motion, seconded by Bill Duncan, to go into nonpublic session pursuant to RSA 91-A:3.

VOTE: This was done by a roll call vote: Gary Groleau – Yes; Gregory Odell – Yes; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

MOTION: Gary Groleau made the motion, seconded by Bill Duncan, to come out of nonpublic session.

VOTE: This was done by a roll call vote: Gary Groleau – Yes; Gregory Odell – Yes; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

MOTION: Gregory Odell made the motion, seconded by Helen Honorow, that the State Board of Education vote to continue the deliberation in this issue to the August 14, 2014 meeting at which time the deliberation process will be in nonpublic session. The Board voted to seal the minutes for an indefinite time.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

AGENDA ITEM VI. NEW DEPARTMENT BUSINESS

A. Establish Passing Scores for Praxis II Assessments in Middle School Science, Education for Young Children, and Elementary Education English Language Arts and Mathematics Subtests – Judy Fillion and Virginia Clifford, Department staff, were present.

Praxis II for Middle School Science - Ms. Clifford said that the Board needs to adopt a passing score for the Middle School Science Praxis II exam (#5440) for the Middle School Science (grades 5-8) endorsement. The Middle School Science Praxis exam has been updated to contain new innovative test items that may be offered in an online format. The Middle School Science test is designed to measure the knowledge and competencies necessary for a beginning teacher of middle school science. The development of the test questions and the construction of the test reflect the National Science Education Standards and the National Science Teacher Association standards and recognize that there are conceptual and procedural schemes that unify the various scientific disciplines. These fundamental concepts and processes (systems; models, constancy and change; equilibrium; form and function) are useful in understanding the natural world.

MOTION: Gary Groleau made the motion, seconded by Helen Honorow, that the State Board of Education adopt the following passing score, effective September 1, 2014 - Middle School Science (#5440) – 150.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

Praxis II for the Education of Young Children – Ms. Clifford said the Board needs to adopt a passing score for the Praxis II Education of Young Children exam (#5024). This exam was recommended by a test review committee after comparing it to the current test, Early Childhood: Content Knowledge (#5022). The committee reported that the test reflected a developmental focus that emphasized play, the whole child, and family involvement. The testing approach assumes that the candidate has knowledge regarding the field of child development and requires the candidate to apply that knowledge in answering the test items. The assessment includes content pedagogy and knowledge in mathematics, language and literacy. The effect of this action will be to set a passing score for the new test. Either the #5022 or the #5024 test will be accepted until the #5022 test is phased out.

MOTION: Gary Groleau made the motion, seconded by Helen Honorow, that the State Board of Education adopt a passing score of 160 for the Praxis II Education of Young children (#5024) effective September 1, 2014.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

Praxis II for Elementary Math and English Language Arts Subtests – The Elementary Education Math and English Language Arts Praxis exams have been updated to reflect College and Career Ready Standards. Additionally, they contain new innovative test items that may be offered in an online format. The Social Studies and Science subtests have not changed since the previous adoption of the elementary multiple subjects test. The effects of this action will be to adopt passing scores for the new assessments to be used for licensure and HQT in Elementary Education: Math and English Language arts. The Social Studies and Science subtests remain the same with new test numbers.

MOTION: Gary Groleau made the motion, seconded by Gregory Odell, that the State Board of Education adopt the following passing scores, effective September 1, 2014: Elementary Education: Multiple Subjects (#5001) – Reading and Language Arts Subtest (#5002) – 157 and Mathematics Subtest (#5003) – 157.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Overview Regarding The New Educator Preparation Program Approval Process – Dr. Judy Fillion, Virginia Clifford, Dr. Kelly Dunn, New Hampshire Technical Institute, Dr. Mark McQuillan, Retired Dean of Education, Southern New Hampshire University, Dr. Alana Mosley, Franklin Pierce University, and Dr. Laura Wasielewski, St. Anselm College, were present. The new program approval process was fully piloted at Franklin Pierce University. The Department participated as an observer in two national accreditation reviews at Keene State College and the University of New Hampshire. This provided a timely opportunity to compare national accreditation with the new approval process. We began using an out-of-state reviewer during a recent focused review of a new program at St. Anselm College. New reviewer questions and matrices were developed and field tested. Training for reviewers and the Institutions of Higher Education has been piloted. There are several changes that will be implemented in program approval as a result of lessons learned in the pilot. The committee will continue to work closely with the NH IHE Network in its Teacher Candidate Assessment of Performance initiative, by which they are building statewide consensus among IHEs on a performance assessment to measure candidate preparedness for professional practice.

AGENDA ITEM VII. LEGISLATIVE ISSUES

A. Initial Proposal – Ed 506.06.07, and Ed 614.03, School Counseling, and Ed 507.08 and Ed 614.06, School Psychology Certification and Teacher Preparation Programs – A vote is needed by the Board to enter the rulemaking process to adopt this Initial Proposal. These rules are being adopted because they have expired. The previous rules have been updated to reflect nationally recognized standards in the areas of School Psychology and School Counseling. If the Board adopts the Initial Proposal, the Department will enter the rulemaking process by filing it with the JLCAR, along with a request for a fiscal impact statement. The Board will hold a public hearing at its September meeting. This information will be published in the Rulemaking Register next month.

MOTION: Gregory Odell made the motion, seconded by Helen Honorow, that the State Board of Education adopt the Initial Proposal for Ed 507.06.07, and Ed 614.03, School Counseling and Ed 507.08 and Ed 6145.06, School Psychology Certification and Teacher Preparation Programs and voted that the Board will hold a public hearing on this filing on September 9, 2014 at 11:00 a.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Final Proposal – Ed 513.01, Basic Academic Skills and Subject Area Assessment and Ed 513.03, Highly Qualified Teacher – A vote is needed by the Board to adopt this Final Proposal. The Department has made changes to the Initial Proposal as annotated in response to comments from the staff attorney for JLCAR. The Final Proposal will be submitted to the JLCAR for its review. After their public hearing and approval by the JLCAR, the Board may then adopt the final rule at its next regularly scheduled meeting.

MOTION: Helen Honorow made the motion, seconded by Bill Duncan, that the State Board of Education adopt the Final Proposal for Ed 513.01, Basic Academic Skills and Subject Area Assessment and Ed 513.03, Highly Qualified Teacher.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

C. Adopted Rule – (Pending Adoption of Conditional Approval) – Ed 302, Duties of School Superintendents, Ed 303, Duties of School Boards, Ed 304, Duties of School Principals, Ed 311, School Health Services, Ed 316, Procedure to Mark Drug-Free School Zones, and Ed 900, Dropout Prevention and Recovery Program – A vote is needed by the Board to adopt the conditional approval for this rule filing 2014-26. A letter was received from the Office of Legislative Services conditionally approving the Final Proposal. The conditional approval is based on changes to the final proposal as discussed with the staff attorney and JLCAR at its July 17, 2014 public hearing. If we make the changes annotated, the Office of Legislative Services can determine we have amended the rules in accordance with the conditional approval and issue a letter to that affect. These changes include adding an additional requirement to Ed 303.01, Duties of the School Boards, stating, “Adopt a teacher performance evaluation system, with the involvement of teachers and principals, for use in the school district, pursuant to RSA 189:1-III;” adding a qualifying title to the text for the “manual for traffic control devises” in Ed 316.05(b) and deleting a sentence in Ed

906.01(d) with specific references to school years 2005 and 2006. Also other editorial changes have been made. Once reviewed by the Office of Legislative Services to determine the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the Board may then adopt the final rule.

MOTION: Helen Honorow made the motion, seconded by Gregory Odell, that the State Board of Education adopt the conditional approval for rule filing 2014-26 which includes: Ed 302, Duties of School Superintendents, Ed 303, Duties of School Boards, Ed 304, Duties of School Principals, Ed 311, School Health Services, Ed 316, Procedure to Mark Drug-Free School Zones, and Ed 900, Dropout Prevention and Recovery Program.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

AGENDA ITEM VIII. COMMISSIONER'S REPORT

Commissioner Barry said that the Charter School Audit has been through the Legislative Budget Assistant's Office and now goes to Fiscal Committee.

Paul Leather noted that it was reported by the Union Leader in June that the New England Association of Schools and Colleges has officially placed Central High School in Manchester on warning notice, requiring the administration to submit a "special progress report" by April 1, 2015. According to the article, Central High School is fully approved and, as such, still meets standards of adequacy, according to the state statute.

AGENDA ITEM IX. OLD BUSINESS

There was no Old Business at this meeting.

AGENDA ITEM X. CONSENT AGENDA

A. Minutes of June 12, 2014 Meeting

MOTION: Gregory Odell made the motion, seconded by Bill Duncan, to approve the Minutes of June 12, 2014.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Minutes of Nonpublic Session June 12, 2014 Student/Rochester School Board

MOTION: Gregory Odell made the motion, seconded by Bill Duncan, to approve the Minutes of Nonpublic Session June 12, 2014 Student/Rochester School Board.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

C. Minutes of Nonpublic Session June 12, 2014 Student/Kearsarge Regional School Board

MOTION: Gregory Odell made the motion, seconded by Gary Groleau, to approve the Minutes of Nonpublic Session June 12, 2014 Student/Kearsarge Regional School Board.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

D. Appointment to Home Education Advisory Council – Michael Compitello – The Department is requesting the Board to approve the nomination of Michael Compitello by the Christian Educators of New Hampshire for a three-year term on the Home Education Advisory Council. The Home Education Advisory Council will have one of the six members nominated by Home Education associations organized within New Hampshire.

MOTION: Helen Honorow made the motion, seconded by Bill Duncan, that the State Board of Education approve the nomination of Michael Compitello to the Home Education Advisory Council for a three-year term.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

E. SAU #23 Tuition Contracts

1. Bath School District and Haverhill Cooperative School District – Bath does not maintain a public middle or high school. The Haverhill Cooperative School District does maintain a middle and a high school and both are approved by the Board. It is willing to accept Bath students on a tuition basis. Approval of this contract will permit students in grades 7-12, who reside in the Bath School District, to receive a public education in the Haverhill Cooperative School District at Bath's expense. It will also make the schools in the Haverhill Cooperative School District the schools maintained by the Bath School District, as set forth in RSA 194:22.

MOTION: Gary Groleau made the motion, seconded by Helen Honorow, that the State Board of Education approve the tuition contract between the Bath School District and the Haverhill Cooperative School District through the school year 2014-2015.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

2. Piermont School District and Haverhill Cooperative School District – Piermont does not maintain a public high school. The Haverhill Cooperative School District does maintain a high school that is approved by the Board and is willing to accept Piermont students on a tuition basis. Approval of this contract will permit high school students, who reside in the Piermont School District, to receive a public education in the Haverhill Cooperative School District at Piermont's expense. It will also make the high school in the Haverhill Cooperative School District the high school maintained by the Piermont School District, as set forth in RSA 194:22.

MOTION: Gary Groleau made the motion, seconded by Helen Honorow, that the State Board of Education approve the tuition contract between the Piermont School District and the Haverhill Cooperative School District through school year 2014-2015.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

3. Warren School District and Haverhill Cooperative School District – Warren does not maintain a public middle/high school. The Haverhill Cooperative School District does maintain a middle high school that is approved by the Board and is willing to accept Warren students on a tuition basis. Approval of this contract will permit middle and high school students, who reside in the Warren School District, to receive a public education in the Haverhill Cooperative School District at Warren's expense. It will also make the middle and high schools in the Haverhill Cooperative School District the middle and high schools maintained by the Warren School District, as set forth in RSA 194:22.

MOTION: Gary Groleau made the motion, seconded by Gregory Odell, that the State Board of Education approve the tuition contract between the Warren School District and the Haverhill Cooperative School District through the school year 2014-2015.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

AGENDA ITEM XI. TABLED ITEMS

There were no Tabled Items at this meeting.

AGENDA ITEM XII. NONPUBLIC SESSION

The Board went into Nonpublic Session under Special Presentations.

AGENDA ITEM XIII. ADJOURNMENT

MOTION: Bill Duncan made the motion, seconded by Gregory Odell, to adjourn the meeting at 3:15 p.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.



Secretary